

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF OKLAHOMA**

IN RE:	}	
CAMP, DONALD ALLEN	}	Case No. 09-81947
<i>Debtor(s).</i>	}	Chapter 7

**MOTION FOR AUTHORITY TO SELL PROPERTY OF THE ESTATE AT
PRIVATE SALE, FREE AND CLEAR OF ALL LIENS, CLAIMS, ENCUMBRANCES
AND INTERESTS, AND NOTICE OF PROPOSED SALE**

COMES NOW Gerald R. Miller, Trustee, by and through his attorney, Gerald R. Miller, and for his Motion For Authority to Sell Property of the Estate at Private Sale, Free and Clear of all Liens, Claims, Encumbrances, and Interests, and Notice of Proposed Sale, states as follows:

1. The debtor filed Chapter 7 bankruptcy on November 6, 2009. The case was closed on June 14, 2010, but subsequently reopened upon the Trustee's motion on July 26, 2010.

2. Contained in the estate was the following described real property, to wit:

Commencing at the NE Corner of the SE4 of the NW4 of Section 26, Township 18 North, Range 25 East, Adair County, Oklahoma; for the true point of beginning; thence S 00°00'27" W, a distance of 1254.38 feet; thence S 89°51'38"W, a distance of 1320.08 feet; thence N 00°03'10"E, a distance of 1254.38 feet, to the NW Corner of said SE4 NW4; thence N 89°51'37"E, a distance of 1319.08 feet to the true point of beginning, containing 38.00 acres, more or less.

Along with easements described as follows: A Twenty (20.00') feet wide easement, for roadway and utility purposes, being Ten (10.00') feet wide on each side of a centerline, more particularly described as: Commencing at the SE corner of the SW4 of Section 26, Township 18 North, Range 25 East, Adair County, Oklahoma; thence S 89°56'23"W, a distance of 366.14 feet; for the true point of beginning; thence N 00°32'00" W, a distance of 1390.45 feet; thence N 08°22'07" E, a distance of 122.60 feet to a point of ending.

AND

A Twenty (20.00') feet wide easement, for roadway and utility purposes, being Ten (10.00') feet wide on each side of a centerline, more particularly described as: Commencing at the SE Corner of the SW4 of Section 26, Township 18 North, Range 25 East, Adair County, State of Oklahoma; thence S 89°56'23" W, a distance of 366.14 feet; thence N 00°32'00" W, a distance of 1390.45 feet; thence N 08°22'07" E, a distance of 122.60 feet; for the true point of beginning; thence N 08°22'07" E, a distance of 10.31 feet; thence N 10°48'32"W, a distance of 69.91 feet; thence N 22°37'01" W, a distance of 48.80 feet; thence N 47°53'12"W, a distance of 43.12 feet to a point of ending.

AND

A Twenty (20.00') feet wide easement, for roadway and utility purposes, being Ten (10.00') feet wide on each side of a centerline, more particularly described as: Commencing at the SE Corner of the SW4 of Section 26, Township 18 North, Range 25 East, Adair County, State of Oklahoma; thence S 89°56'23" W, a distance of 366.14 feet; thence N 00°32'00" W, a distance of 1390.45 feet; thence N 08°22'07" E, a distance of 132.91 feet; thence N 10°48'32" W, a distance of 69.91 feet; thence N 22°37'01" W, a distance of 48.80 feet; thence N 47°53'12" W, a distance of 43.12 feet for the true point of beginning; thence N 47°53'12" W, a distance of 14.41 feet; thence N 26°47'16" W, a distance of 84.70 feet; thence N 23°01'41" W, a distance of 120.75 feet; thence N 01°18'06" E, a distance of 843.78 feet to a point of ending, being 500.88 feet West and 65.62 feet North of the NE corner of the E2 of said SW4.

(hereinafter referred to as the "Property")

3. James Braden has made an offer to purchase the above described Property for the sum of \$63,650.00. The Trustee has made diligent inquiry into the value of the Property and believes this sale to be in the best interest of the estate.

4. Liberty Bank of Arkansas has claimed an interest in the Property by virtue of a judgment entered on April 3, 2009, in Case No. CJ-09-24 in the District Court of Adair County (*Liberty Bank of Arkansas vs. Donald Camp*) in the amount of \$25,564.48 plus accruing interest. The balance due on the Liberty Bank judgment as of August 31, 2010, is \$34,772.00, together with interest thereon at the rate of \$6.093016208 per day thereafter until paid. The balance due on the Liberty Bank judgment will be paid from the proceeds of the sale of the Property at closing.

5. The Trustee knows of no other liens, claims, encumbrances, or interest of any other parties against the Property.

6. The Trustee proposes to sell the Property free and clear of all liens, claims, encumbrances, and interests, to James Braden, for the sum of \$63,650.00, and requests that the Court enter an Order authorizing said sale. The Trustee further requests that the Court authorize payment of the balance due Liberty Bank of Arkansas to be paid from the sale proceeds at the closing of the sale.

7. Notice is hereby given to all interested parties that Gerald R. Miller, Trustee herein, pursuant to Bankruptcy Rules 2002 (a)(2) and 6004 (a)(e)(1), proposes to sell, other than in the ordinary course of

business, the above described Property to James Braden, for the sum of \$63,650.00, free and clear of all liens, claim, encumbrances, and interests.

WHEREFORE, the Trustee prays that Court authorize the sale of the real property described as follows, to wit:

Commencing at the NE Corner of the SE4 of the NW4 of Section 26, Township 18 North, Range 25 East, Adair County, Oklahoma; for the true point of beginning; thence S 00°00'27" W, a distance of 1254.38 feet; thence S 89°51'38"W, a distance of 1320.08 feet; thence N 00°03'10"E, a distance of 1254.38 feet, to the NW Corner of said SE4 NW4; thence N 89°51'37"E, a distance of 1319.08 feet to the true point of beginning, containing 38.00 acres, more or less.

Along with easements described as follows: A Twenty (20.00') feet wide easement, for roadway and utility purposes, being Ten (10.00') feet wide on each side of a centerline, more particularly described as: Commencing at the SE corner of the SW4 of Section 26, Township 18 North, Range 25 East, Adair County, Oklahoma; thence S 89°56'23"W, a distance of 366.14 feet; for the true point of beginning; thence N 00°32'00" W, a distance of 1390.45 feet; thence N 08°22'07" E, a distance of 122.60 feet to a point of ending.

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free and clear of all liens, claim, encumbrances, and interests, to James Braden, for the amount of \$63,650.00. Further, the Trustee prays that the Court authorize the payment of the balance due on the Liberty Bank of Arkansas judgment dated April 3, 2009, against said Property, (Case No. CJ-09-24, District Court of Adair County, Oklahoma, *Liberty Bank of Arkansas vs. Donald Camp*) in the amount of \$34,772.00 as of August 31, 2010, plus interest at a per diem rate of \$6.093016208 per day thereafter until paid, to be paid from the proceeds of the sale of the Property at closing.

S/Gerald R. Miller
Gerald R. Miller, OBA #6205
627 W. Broadway, P.O. Box 2667
Muskogee, OK 74402-2667
(918) 687-1347
Attorneys for Trustee